

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

FEDERAL TRADE COMMISSION and  
THE PEOPLE OF THE STATE OF NEW  
YORK, by LETITIA JAMES, Attorney  
General of the State of New York,

Plaintiffs,

v.

QUINCY BIOSCIENCE HOLDING  
COMPANY, INC., a corporation;

QUINCY BIOSCIENCE, LLC, a limited  
liability company;

PREVAGEN, INC., a corporation  
d/b/a/ SUGAR RIVER SUPPLEMENTS;

QUINCY BIOSCIENCE  
MANUFACTURING, LLC, a limited  
liability company; and

MARK UNDERWOOD, individually and as  
an officer of QUINCY BIOSCIENCE  
HOLDING COMPANY, INC., QUINCY  
BIOSCIENCE, LLC, and PREVAGEN,  
INC.,

Defendants.

Case No. 1:17-cv-00124-LLS

**NOTICE OF DEFENDANTS' CROSS-MOTION *IN LIMINE***

**PLEASE TAKE NOTICE** that upon the omnibus Memorandum of Law (Dkt. 359), the Declaration of Jaclyn M. Metzinger, Esq. dated November 30, 2023, together with exhibits 1 through 21 attached thereto (Dkt. 360), and all of the pleadings and proceedings heretofore filed and had herein, Defendants Quincy Bioscience Holding Company, Inc., Quincy Bioscience, LLC, Prevagen, Inc., and Quincy Bioscience Manufacturing, LLC, and Mark Underwood, by and through their attorneys, will cross-move this Court before the Honorable Louis L. Stanton, United States District Judge for the Southern District of New York, located at 500 Pearl Street, Courtroom

21C, New York, New York 10007, at a date and time to be determined by the Court, for an Order, pursuant to Rules 401, 402, and 403 of the Federal Rules of Evidence, precluding Plaintiffs and their experts from introducing evidence or eliciting testimony related to sales data for Prevagen, along with such other and further relief as the Court may deem just and proper. Defendants request oral argument on this motion, at a date and time to be determined by the Court.

Dated: November 30, 2023  
New York, New York

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